

APPROVED

MINUTES

**McDowell Sonoran Preserve Commission
1st Floor Community Development Conference Room
June 6, 2002
5:00 PM**

CALL TO ORDER

The meeting was called to order at 5:05 PM.

ATTENDANCE

Present: Don Ruff, Acting Chairman
Virginia Korte
Carla
Darcy Thomas
Bill Berkley
Laura Fisher
Denny Carr
Howard Myers
Jane Rau

Absent: Darren Smith
Les Conklin

Staff: Bob Cafarella
Claire Miller
Teresa Huish
Cathy Eley

Visitors: Stacy Prax

With the absence of Chairman Smith, Commissioner Ruff acted as Chairman for this meeting.

MINUTES

MOTION WAS MADE by Commissioner Rau to APPROVE THE MINUTES OF THE MAY 2, 2002 MEETING. MOTION WAS SECONDED by Commissioner Berkley, WHICH CARRIED UNANIMOUSLY, 9-0.

STATE LANDS GENERAL PLAN AMENDMENT

Mr. Cafarella stated that the City has held three open houses on the proposed General Plan amendment. Staff received input at the first two open houses that has been incorporated into this draft plan and been presented at the final open house. Mr. Cafarella commented that feedback on the draft plan has been very positive.

Mr. Cafarella commented that the State needed a certain number of residential dwelling units to accommodate the commitment they had made for water allocation. Mr. Cafarella commented that staff felt that this plan was an appropriate balance. Mr. Cafarella noted that this was scheduled for public hearings with the Planning Commission in August and adoption by the City Council in October. Mr. Cafarella commented that once the hearing dates were set, the Commission would be notified so that they could attend.

Commissioner Myers asked if this was the final plan or if comments from the third open house were going to be incorporated into the draft.

Mr. Cafarella stated that several citizens had expressed concern with some of the density and that meetings had been scheduled to discuss their concerns.

Commissioner Myers expressed his concern with the density and suggested that some of it be moved to Legend Trail. Commissioner Myers asked if the term "Rural" could be changed to "Rural Equestrian".

Ms. Huish stated that "Rural" residential is a category in the existing General Plan and that equestrian use would be addressed in the staff report to the Planning Commission and City Council.

Mr. Cafarella commented that the City hoped to purchase this land in the future.

Commissioner Carla commended staff on their outstanding work on this plan and their work with the State Land Department and wished that this could be approved tomorrow. Commissioner Carla suggested talking to Legend Trail about moving some of the density up there.

Mr. Cafarella commented that the Commission would be updated on this prior to the Planning Commission hearings.

POLICIES FOR WIRELESS FACILITIES OR EXCLUDING WIRELESS FACILITIES IN THE PRESERVE

Mr. Cafarella distributed information on the Commission's previous actions, recommendations and items for consideration.

Commissioner Rau stated that she doesn't want wireless facilities in the Preserve, noting that the design presented at the last Commission meeting could be used in areas outside the Preserve.

Commissioner Carla stated that she doesn't want to open the door for policy change and felt that the Commission was very firm in their desire to not allow motorized use in the Preserve.

Commissioner Myers stated that he felt that the Commission's position was very vulnerable as this was an existing location, just south of the Stage Coach Pass alignment, where there has already been disturbance. Commissioner Myers commented that they could apply for a use permit and go to the City Council for approval. Commissioner Myers noted that he had spoken with the Mayor and that she was very supportive of the Commission and their efforts. Commissioner Myers commented that the Commission's position on Wireless Facilities in the Preserve may be hard to legally defend.

Commissioner Korte asked if APS owned the land where the substation was located.

Mr. Cafarella stated that APS may have a perpetual easement on this substation on State Trust Land.

Commissioner Fisher commented that there should not be wireless facilities in the Preserve and that this facility, along Stage Coach, would generate traffic in the Preserve.

Commissioner Carla stated that since the Preserve vote, there have been no new additional facilities of any type added to the Preserve. Commissioner Carla commented that this would be setting a precedent if a new facility were allowed, and that it would change the Policy that the Commission had established on facilities in the Preserve.

Commissioner Berkley commented that at the last meeting the Commission did not express any interest in allowing any new facilities in the Preserve, but that the Commission had expressed a desire to obtain legal advice on the risks of its position.

Commissioner Myers commented that they need to take a position that is defensible and that the problem with the substation proposal is that the proposed site is already disturbed. Commissioner Myers commented that the Commission should ask the City Council to require environmental impact studies on all requested applications for wireless facilities in the proposed Wireless Ordinance.

Mr. Cafarella commented that they had invited the City Attorney's Office to attend the Commission meeting but that the City Attorney's Office had not yet formulated the risks. Mr. Cafarella commented that the City Attorney's Office was working on that and that they would be advising the City Council in an executive session in the future.

Acting Chairman Ruff commented that if the Commission does not take action tonight, the current Commission policy recommendation opposing Wireless Facilities in the Preserve remains in effect.

APPROACH FOR ADDRESSING COMMISSION PRIORITIES FOR 2002

Acting Chairman Ruff stated that this would be postponed until the next Commission Meeting.

ELECTION OF VICE-CHAIR FOR THE COMMISSION

Acting Chairman Ruff stated that this would be postponed until the next Commission Meeting.

DIRECTOR'S REPORT

Mr. Cafarella reported that the State Land Department auction on the Gateway land at the northeast corner of Thompson Peak Parkway and Bell Road is on June 21, 2002, and that the appraisal on the City's approximately 400-acre portion had been completed and given over to potential bidders. Mr. Cafarella commented that it appears that one or two bidders have dropped out.

Mr. Cafarella commented that the Request for Proposal for the Design Guidelines for the Access Areas had been sent out and that they had received 6 responses. Mr. Cafarella stated that they were talking to one of the applicants and hoped to have a decision prior to the end of the fiscal year.

Mr. Cafarella noted that at a previous Commission meeting APS and Western Area Power had discussed cactus trimming procedures in the Preserve with the Commission. Mr. Cafarella distributed cactus trimming guidelines that APS had provided, and stated that Commissioners Myers and Ruff had volunteered to review them and make recommendations. Mr. Cafarella commented that APS did not have any plans in the near future for cactus trimming in the Preserve but that they had several private property trimmings scheduled and that they invited any interested Commission members to come out and observe the trimming.

Mr. Cafarella noted that with the budget cuts for next year that there would be no food at the Commission meetings and that a new recording secretary would be attending the meetings as all overtime had been cut, so a private company had been contracted to provide these duties.

PRESERVE MANGER'S REPORT

Ms. Miller stated that right before Memorial Day weekend the Preserve had been closed due to the high fire danger by the Fire Marshall and authorized by City Council. Ms. Miller stated that temporary signs were put up and that permanent ones were also being installed. Ms. Miller stated that the stewards were doing a great job in patrolling the trailheads and educating people about the closure. Ms. Miller noted that the Police Department was also enforcing the closure. Ms. Miller commented that the State Trust Lands and portions of the Tonto National Forest had also been closed because of the fire danger.

Ms. Miller stated that the National Trails Day Event was held at Pinnacle Peak Park last Saturday, June 1, 2002, noting that there was a lower than expected turnout. Ms. Miller commented that they didn't get the publicity the media normally gave them and that may account for the low turnout.

Ms. Miller stated that the Planning Committee meeting has been scheduled for July 18, 2002.

Acting Chairman Ruff asked what happens if someone violates the Preserve closure.

Ms. Miller stated that they could be cited for trespassing, which is a misdemeanor criminal violation.

Commissioner Korte commented that the closure is affecting the restoration of Brown's Ranch as they were unable to cross State Trust Lands to check on the plants and to collect seeds for the restoration project, which is a very important process for the restoration.

Ms. Miller commented that she has been working on trying to get permission for an exception but that she had been unsuccessful to date.

Acting Chairman Ruff suggested asking Rural Metro if they could accompany them and then see if the State would allow the exception with the escort.

Commissioner Carla commented that the second planning meeting for McDowell Sonoran month had been held and that date set for the big event will be Saturday, October 19, 2002. Commissioner Carla said the theme for this year was "Hoofs, Wheels & Heels".

Mr. Cafarella distributed updated access maps, the Citizen's Budget Committee report and an article on the long range planning for Cave Creek School District.

Mr. Cafarella stated that the Mayor had been meeting with the Cave Creek School District Superintendent over the past months regarding school siting and that the City and District both seemed in agreement that schools would not be placed in the Preserve. Mr. Cafarella stated that at one of the open houses several members of the Cave Creek School Board were in attendance and that they had commented that their thinking on that had changed. Mr. Cafarella stated that there was a lot of work to do on this issue and that staff feels that the numbers projected by Cave Creek School District are not realistic if the City is able to acquire all the Preserve land.

Commissioner Carla commented that their biggest argument is that the School Facilities Board requires schools to be built on State lands and that the Cave Creek School Board is very adamant about needing all the school sites they are currently proposing.

Commissioner Myers expressed concern with the school sites proposed in the Preserve, noting that the projected needs are unrealistic.

SUMMER MEETING SCHEDULE

Acting Chairman Ruff asked if the Commission desired a meeting on July 11, 2002, as the first Thursday of the month was July 4th, which is a holiday. Several Commissioners stated that they would be unavailable on July 11th.

Acting Chairman Ruff asked if the Commission desired a meeting on August 1st, 2002 and asked staff if they felt that they would have anything pressing to discuss. The Commission decided to cancel the regular meetings on July 4, 2002 and August 1, 2002 and to resume their regular meeting schedule on September 5, 2002.

Mr. Cafarella stated that staff would keep the Commission up to date on any issues via email and if anything pressing came up that they could call a special meeting of the Commission.

FUTURE EXECUTIVE SESSION

MOTION WAS MADE by Commissioner Rau TO HOLD AN EXECUTIVE SESSION FOR SEPTEMBER 5, 2002 FOR THE PURPOSE OF DISCUSSION WITH REPRESENTATIVES OF THE PUBLIC BODY AND CONSULTATION WITH CITY ATTORNEY FOR LEGAL ADVICE TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATING FOR PURCHASE OR LEASE OF REAL PROPERTY FOR INCLUSION IN THE MCDOWELL SONORAN PRESERVE. ARS 38-431.03(A) (3) AND (A) (7). MOTION WAS SECONDED by Commissioner Berkley, WHICH CARRIED UNANIMOUSLY, 9-0.

COMMISSION COMMENTS AND PUBLIC COMMENTS

Acting Chairman Ruff asked the Commission to read the cactus pruning guidelines and to email their input to himself and Commissioner Myers.

AGENDA ITEMS FOR FUTURE MEETINGS

Commissioner Carla asked that naming something in the Preserve after former Mayor Drinkwater be on a future agenda and asked staff to research the timeline. Commissioner Carla also commented that the Commission needs to begin submitting corrections to the State for Preserve items on State maps.

Meeting adjourned at 6:10 PM.

Submitted by:

Cathy Eley
Recording Secretary
P:mspc/agmin/6602min